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Attorneys for Defendants
 CITY OF SALINAS; SERGEANT MARK LAZZARINI; OFFICER. STEPHEN CRAIG.
 OFFICER CHRIS BALAORO; OFFICER DANNY WARNER;
 OFFICER KEN SCHWENER; and OFFICER CUPAK

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

)	Case No. C09-02454 LHK
CARLOS RODRIGUEZ,)	
)	STIPULATION OF DISMISSAL WITH
Plaintiff,)	PREJUDICE OF DEFENDANTS
)	OFFICER STEPHEN CRAIG, OFFICER
vs.)	CHRIS BALAORO and OFFICER
)	DANNY WARNER; ORDER
CITY OF SALINAS; Sergeant MARK)	
LAZZARINI; Officer STEPHEN)	(Fed. R. Civ. P. 41(a)(1)(A)(ii))
CRAIG; Officer CHRIS BALAORO;)	
Officer DANNY WARNER; Officer)	
KEN SCHWENER; and Officer CUPAK))	
)	
Defendants.)	
)	

Attorneys for the parties, having met and conferred, STIPULATE AS FOLLOWS:

Plaintiff CARLOS RODRIGUEZ, by this stipulation, dismisses Defendants Officer
 STEPHEN CRAIG, Officer DANNY WARNER, and Officer CHRIS BALAORO from this
 action with prejudice, but without any consideration or monetary sum.

1 The Parties hereby further stipulate and agree that, as Plaintiff dismisses Officer Stephen
2 Craig, Officer Danny Warner, and Officer Chris Balaoro with prejudice, none of the remaining
3 Defendants will argue at any point, including at the trial of this case, that the dismissed officers
4 were responsible for the acts that form the basis of Plaintiff's allegations of wrongdoing in the
5 First Amended Complaint.

6 The Parties intend to act in reliance on this stipulation. Specifically, Plaintiff intends to
7 rely on this stipulation in dismissing Defendants Craig, Warner, and Balaoro from this action
8 based on Plaintiff's understanding that this stipulation will preclude the remaining Defendants
9 from trying to argue that the dismissed Defendants are responsible, also known as the "empty
10 chair" defense.

11 As between Plaintiff and the dismissed parties, each party is to bear his own attorneys
12 fees and costs.

13 IT IS SO STIPULATED.

14 Dated: June _17, 2011

15
16
17 By: _____/s/
18 KATE WELLS
Attorney for Plaintiff CARLOS RODRIGUEZ

19 Dated: June _17, 2011

20 LAW OFFICES OF VINCENT P. HURLEY
21 A Professional Corporation

22
23 By: _____/s/
24 AMANDA COHEN
25 Attorneys for Defendants CITY OF SALINAS;
26 SERGEANT MARK LAZZARINI; OFFICER.
27 STEPHEN CRAIG. OFFICER CHRIS BALAORO;
28 OFFICER DANNY WARNER; OFFICER KEN
SCHWENER; and OFFICER CUPAK

ORDER BY STIPULATION

Good cause appearing therefore:

IT IS HEREBY ORDERED that Defendant Officers Craig, Warner and Balaoro are dismissed with prejudice, each side to bear their own fees and costs.

Dated: June 23, 2011



THE HONORABLE LUCY H. KOH
U.S. DISTRICT COURT JUDGE